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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/924,967

Applicant(s)

VIHOS, GEORG A.

Examiner

Luan K Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

As a point of clarification, claim 12 was canceled by the Applicant in the response filed on 3/10/2003. However, Applicant is indicated that claim 12 is withdrawn in the response filed on 8/3/2003. For the record, claim 12 had been canceled by the Applicant.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 8 and 10 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Saxe et al. (6,308,831; hereinafter Saxe'831). Saxe'831 discloses an encasement system for displaying an article comprising a transparent top section (14) having an integral cavity (16) defined therein and a receiving channel (28) having at least one post receptacle (42)/keyway, a transparent bottom section (12) having an integral cavity defined therein and a mating shoulder (66) having at least one post (44)/key, and a snap fit means (28, 66) for connecting the transparent top section to the transparent bottom section such that when the transparent top section and bottom section are connected a display article cavity is formed by the transparent top section integral cavity and bottom section integral cavity. The snap fit means for connecting the transparent top section to the transparent bottom section is the receiving channel and the mating shoulder (66) such that the key is press fit into the keyway (Figures 1 and 3).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Saxe et al. (6,308,831; hereinafter Saxe'831). Saxe'831 discloses an encasement system for displaying an article comprising a transparent top section (14) having an integral cavity (16) defined therein and a receiving channel (28) having at least one post receptacle (42)/keyway, a transparent bottom section (12) having an integral cavity defined therein and a mating shoulder (66) having at least one post (44)/key, and a snap fit means (28, 66) for connecting the transparent top section to the transparent bottom section such that when the transparent top section and bottom section are connected a display article cavity is formed by the transparent top section integral cavity and bottom section integral cavity. The snap fit means for connecting the transparent top section to the transparent bottom section is the receiving channel and the mating shoulder (66) such that the key is press fit into the keyway (Figures 1 and 3). To the extent that Saxe'831 fails to disclose the receiving channel having the key instead of the keyway and the mating shoulder having the keyway instead of the key, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Saxe'831 so the receiving channel having the key and the mating shoulder having the keyway because it has been held that a mere reversal of the essential working parts of a device such as the key or the keyway involves only routine skill in the art. *In re Gazda*, 104 USPQ 400.

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5. Claims 4-7 and 9 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Saxe et al. (6,308,831; hereinafter Saxe'831) in view of Brodersen (4,183,160). Saxe'831 discloses the encasement system as above having all the limitations of the claims except for the transparent top section and bottom section being made from an acrylic substrate and a silicone seal disposed between the transparent top section and the bottom section. Brodersen shows a system for displaying an article comprising a transparent top section (13) and a bottom section (15) with both sections formed from an acrylic material/substrate and a silicone seal (25) disposed between the transparent top section and the bottom section for sealing a display article cavity (19) between the transparent top section and the bottom section from the environment (Figures 1-3 and column 2, lines 44-45). It would have been obvious to one having ordinary skill in the art in view of Brodersen to modify the system of Saxe'831 so the transparent top section and bottom section are made from an acrylic substrate for better displaying the article since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. It would have been obvious to one having ordinary skill in the art in view of Brodersen to modify the system of Saxe'831 so it includes a silicone seal disposed between the transparent top section and the bottom section to prevent the article from getting damaged. As to claims 7 and 9, the selection of the specific adhesive for sealing the transparent top section to the bottom section such as silicon seal or an ultraviolet adhesive would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

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6. Claim 11 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 9 above; and further in view of Mussbeck (1,031,727). Saxe'831 further fails to show an insert gas being sealed within the display article cavity. Mussbeck shows an encasement system for preserving pictures comprising a display article cavity formed between a glass front plate and a glass back plate and an insert gas such as nitrogen provided within the display article cavity. It would have been obvious to one having ordinary skill in the art in view of Mussbeck to modify the system of Saxe'831 so the display article cavity includes an insert gas for further protecting the article.

***Response to Arguments***

Applicant's arguments filed on 8/7/2003 have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to Saxe'831 in the remarks are noted. They are not persuasive because Saxe'831 is clearly disclosed the transparent top section (14) having the receiving channel (28) with the keyway (42) and the bottom section having the mating shoulder (66) with the key (Figure 1).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb  
September 22, 2003

  
Luan K. Bui  
Primary Examiner